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Atty. Dkt. No. 073406-0302

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jerry Pelletier, et al.

Title: DNA SEQUENCES FROM
STAPHYLOCOCCUS AUREUS
BACTERIOPHAGE 44AHJD
THAT ENCODE ANTI-MICROBIAL
POLYPEPTIDES

Appl. No.: 09/727,892

Filing Date: 11/30/2000

Examiner: To Be Determined

Art Unit: To Be Determined

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.

Jodie M. Price

(Printed Name)

Jodie M. Price

(Signature)

5/4/01

(Date of Deposit)

**TRANSMITTAL OF MISSING PARTS
OF PATENT APPLICATION**

Commissioner for Patents
Washington, D.C. 20231

Attn: BOX MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Application mailed on March 6, 2001, in the above-identified application, transmitted herewith are the missing parts needed to complete the filing of the subject patent application.

Enclosed are:

107

- Declaration and Power of Attorney (4 pages)
- Copy of Notice to File Missing Parts (Part 2 of Form PTO-1533)
- Check in the amount of \$710.00 in payment of basic filing fee, excess claim fee, and surcharge fee (37 C.F.R. § 1.16(e))
- Please charge Deposit Account No. 50-0872 in the amount of \$710.00 in payment of surcharge fee (37 C.F.R. § 1.16(e))

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed

herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date 4 May 2001

By Wesley B. Ames

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3



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/727,892	12/01/2000	Jerry Pelletier	030758.0005.UTL

CONFIRMATION NO. 3660
FORMALITIES LETTER



OC00000005831538

Wesley B. Ames
Brobeck, Phleger & Harrison LLP
12390 El Camino Real
San Diego, CA 92130

Date Mailed: 03/06/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

05/25/2001 BMGUYEN1 00000004 500072 09727892

FILED UNDER 37 CFR 1.53(b)

01 FC:101	220.00 CH	490.00 OP
02 FC:103	90.00 CH	
03 FC:102	320.00 CH	

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$2980.
 - \$1620 for 90 total claims over 20.
 - \$1360 for 17 independent claims over 3 .
- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 3820.

06/26/2001 Y6IZAW	00000017 500072	09727892
01 FC:102	80.00 CH	

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

Adjustment date: 05/25/2001 BMGUYEN1
 05/29/2001 CCHAU1 00000103 09727892
 -490.00 OP

05/09/2001 CCHAU1
 00000103 09727892
 490.00 OP
 90.00 CH
 130.00 CH

05/09/2001 CCHAU1
 00000103 09727892
 01 FC:107
 02 FC:103
 03 FC:105

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Sherry
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE